

ORIGINAL

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC

November 16, 1999

EX PARTE OR LATE FILED

RECEIVED

NOV 16 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Telecommunications Relay Services  
And Speech-to-Speech Services  
For Individuals with  
Hearing and Speech Disabilities

CC Docket No. 98-67

EXPARTE COMMENTS  
OF THE  
Maryland Department of Budget & Management  
Minnesota Relay Service  
Wisconsin State Department of Administration

In a meeting at the FCC attended by Gilbert Becker, Director and Pam Stewart, Contract Administrator, representing Maryland Relay, and Trich Shipley, Senior Manager, Consumer Relations, representing Jim Alan of Minnesota Relay, and Stephanie Buell, we respectfully request that the FCC require the local exchange carrier (LEC) to provide information regarding carrier of choice (presubscribed carrier) to the contracted telecommunications relay service (TRS) provider to establish a customer profile. We further request that the FCC require the transfer of customer profile information to the newly contracted TRS provider when the existing provider's contract is not renewed. We believe, from customer contact, that TRS customers intend the information to be used by their state TRS to facilitate efficient processing of calls, and to insure that calls are billed by their chosen carrier at the contracted rate.

We submit the following information in support of our first request.

No. of Copies rec'd 017  
List ABCDE

- I. *Subsection (d)(1)(D) of Section 225 requires that users of TDD relay service pay rates not greater than the rates paid for functionally equivalent voice communication with respect to such factors as the duration of the call, the time of day, and the distance from point of origination to the point of termination.*<sup>1</sup>

Currently, the TRS customer must inform the TRS provider which carrier (s)he prefers each time a relay call is made. The alternative is to establish a customer profile record with the contracted provider. If an alternative carrier is not provided, the TRS provider will process that call at the provider's rate or the rate that has been established with the contracting entity. In the past, the contracted provider has been denied access to a LEC or long distance carrier and the CA was not able to process the call.

This is not functionally equivalent.

- A. If a customer has already contacted the appropriate LEC and selected ABC Long Distance, the customer often makes the assumption that all calls will be processed by that carrier.
- B. It can take two months or longer before the customer receives a bill for long distance calls processed through TRS. At that time, the customer discovers that ABC Long Distance was not used, and long distance calls were charged at the TRS provider rate instead of the pre-subscribed discounted rate.
- C. Calls originating from the same phone number can be charged different rates for calls which are identical "with respect to such factors as the duration of the call, the time of day, and the distance from point of origination to the point of termination" as specified in I. above. The only reason for the difference in charges is if the call was placed directly or placed via TRS.

---

<sup>1</sup> FCC 90-376, CC Docket No. 90-571 – II 14

II. *III C. 2. 69. Background and Comments. In the current TRS environment, statewide TRS service contracts frequently are awarded to a single TRS provider for a specific contract term, e.g., three to five years. During a specific TRS providers' term, that provider may develop databases consisting of information on relay customer preferences or calling patterns. This information, often referred to as, "caller profiles," is used by the TRS provider to deliver more efficient and individualized service to TRS users.<sup>2</sup>*

A. While customer profiles are an invaluable tool to enable the TRS provider to deliver more efficient and individualized service to TRS users, it is a relatively unknown and extremely underused feature. This is due to the lack of advertising and inability to contact users directly.

B. Without the use of customer profiles that contain the carrier of choice, many customers feel that, although they have selected a COC with the LEC, the contracted provider is unfairly processing that call, thus changing their selected carrier without their permission.

III. *III C. 2. 72 Discussion. Section 222 of the 1996 Act governs, among other things, carriers' use, disclosure, or provision of access to, customer proprietary network information.<sup>160</sup> In particular, section 222(c)(1) of the Act provides that [e]xcept as required by law or with the approval of the customer, a telecommunications carrier that receives or obtains [CPNI] in its provision of a telecommunications service shall only use, disclose or permit access to individually identifiable [CPNI] in its provision of (A) the telecommunications service for which such information is derived, or (B) services necessary to, or used in the provision of such telecommunications service, including the publishing of directories.<sup>60 3</sup>*

A. When a customer establishes a carrier preference with the LEC, they are inherently establishing a record of preference for all telecommunications that will be processed over that phone line.

B. If a customer uses his/her telephone line to place calls via TRS, it is incumbent upon the LEC to ensure that TRS is available, and should permit

---

<sup>2</sup> FCC 98-90, CC Docket No. 98-67

access of all [CPNI] to the TRS provider, since both portions are integral to the successful completion of the call. In accordance with Section 222, TRS is a service "... necessary to, or used in, the provision of such telecommunications service,..."

C. In accordance with Sec 225(c) Provision of Services, which states,

*"Each common carrier providing telephone voice transmission services shall, provide... throughout the area in which it offers service, telecommunications relay service, individually, through designees, through a competitively selected vendor, or in concert with other carriers.,<sup>4</sup>"*

common carriers should provide [CPNI] to the designee, competitively selected vendor, or group of carriers who are responsible for ensuring that Title IV is enforced in each state. Common carriers are ultimately responsible for providing TRS, consequently, the customer preference the LEC obtains should be used to provide this necessary telecommunications service to the customer.

We submit the following information in support of our second request.

- I. We believe that the customer profile information belongs to the customer and is given to the LEC to insure that both direct telecommunication and TRS telecommunication is processed effectively in accordance with the customer's stated preference, it is imperative that the [CPNI] and customer profile information is transferred to the contracted TRS provider to ensure customer access to their preference information on the first day of the contract.
- II. The information is not owned by the contracted TRS provider any more than information given to the LEC is the property of that LEC. The customer

---

<sup>3</sup> FCC 98-90, CC Docket No. 98-67

<sup>4</sup> Public Law 101-336, Title IV – Telecommunications, Section 225

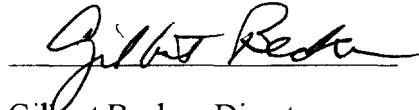
preference information is collected and used for the convenience of the customer and to protect that customer from being wrongly charged or “slammed.”

- III. If a customer has a customer profile on file with the contracted TRS provider, and the administering authority for TRS awards the contract to another provider, consumers are often unaware that there has been a change in the provider. This is due to the fact, it is a state TRS, not a contract provider TRS, most relay announcements include the name of the state, the fact that it is a relay service, and the CA number. Consequently, the customer may not be aware that there has been a change, so they do not establish a new customer profile. This can result in months of long distance charges being paid to a company other than the one selected by the customer.

We encourage the FCC to act definitively on this issue to protect the preference of the customer and to ensure that the customer information belongs to the customer, not to the contracted provider of TRS and that when the TRS provider is changed without the request or permission of the customer, information is seamlessly passed to the next provider, thus ensuring that until TRS is a truly competitively driven telecommunication business, the information provided to the administering authority for TRS will be honored for all of the customers telecommunications needs initiated from their telephone. Historically, the award of TRS services from one TRS contracted provider to another has proven to be the single most disruptive "event" for both the TRS customer and the state contracting authority. The loss of individual customer profiles, which then need to be reestablished with the newly contracted provider, exacerbates the disruptive nature of TRS contractor "cut overs". Quite often, the customer does not know how to reestablish

a new profile. Not only does vendor refusal to transfer customer profile data result in functional non-equivalence, it also unnecessarily results in increased call setup times and therefore increased TRS costs.

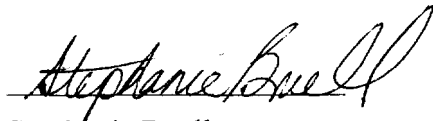
Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Gilbert Becker", written over a horizontal line.

Gilbert Becker, Director  
Telecommunications Access of Maryland  
Maryland Relay

A handwritten signature in cursive script, appearing to read "Jim Alan", written over a horizontal line.

Jim Alan,  
TACIP Administrator  
Minnesota Relay

A handwritten signature in cursive script, appearing to read "Stephanie Buell", written over a horizontal line.

Stephanie Buell  
TRS Administrator  
Wisconsin Relay